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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,804	07/12/2001	Erik Walles	2380-380	6649

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,804

Applicant(s)

WALLES, ERIK

Examiner

Andrew C Lee

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09-27-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Mar 19, 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 5A (drawing 6/9) and Fig. 5B (drawing 7/9), the referenced legends TPE – TPB and TQB – TQA, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
- Page 6, line 24, the element "node 2o" is incorrect. It should be "node 20".
 - Page 8, line 24, the element "a delay T6" should be "a delay T7" according to the Fig. 3 as disclosed.
 - Page 10, line 14, the element "time 14b" is incorrect. It should be "time T14b".
 - Fig. 4, the reference element "T17" is missing.

- Fig. 5A, Fig. 5B, the referenced elements "PROCESS TIME=TPE -TPB" and QUEUE TIME=TQB -TQA" should be corrected as "PROCESS TIME= $T_{PE} - T_{PB}$ " and QUEUE TIME= $T_{QB} - T_{QA}$ ".
- Fig. 5A, the dotted lines connecting referenced element 61 "supervisory process" and 64 "return switch monitor packet"; referenced element 61 "supervisory process" and 62 "packet queuing"; referenced element 61 "supervisory process" and 60 "media stream processing function"; referenced element 61 "supervisory process" and 63 "performance monitoring process"; referenced element 61 "supervisory process" and 65 "packet discharge" are indicated but not labeled in the figures and not described in the specification.
- Fig. 5B, the arrowed lines connecting referenced elements 83 "stream generator" and 84 "stream grouping", referenced elements 81 "switch monitor packet generator" and 86 "switch delay calculator" are indicated but not labeled in the figures and not described in the specification.
- There are some discrepancies on Claims 11, 12, 13, 14, 18 and 19. There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 12, 13, 14, 18 and 19 recite the limitation " The method of claim 9" in line 1 of claims 11, 12, 13, 14 on page 22 and line 1 of claims 18 and 19 on page 23, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Radha et al. (U.S. Patent No. 6700893 B1).

Regarding Claims 1, 10 Radha et al. disclose the limitation of a node of a packet switching network which handles a media stream of packets (Fig. 1, column 5, lines 15 – 17), the node comprising: a processing chain comprising plural processing units through which a packet of the media stream is routed (column 3, lines 17 - 21), each of the plural processing units generating an intra-node performance monitoring packet which includes an indication of time spent by the packet of the media stream in the respective processing unit (column 7, lines 66 – 67; column 8, lines 1 – 9); a performance monitoring unit (Fig. 1, element 138) which receives the intra-node

performance monitoring packets generated by the respective plural processing units and which uses contents of the intra-node performance monitoring packets to provide an indication of delay in the node for the media stream (Fig. 1, element 138; column 5, lines 66 – 67; column 6, line 1).

Regarding Claims 2, 11, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit uses the contents of the intra-node performance monitoring packets to determine an overall delay of the packet of the media stream through the plural processing units of the node (column 8, lines 21 – 26; column 16, claim 3).

Regarding Claims 3, 12, Radha et al. disclose the limitation of a node of claimed wherein at least one of the plural processing units has an associated queue (column 7, lines 54 – 56), and wherein the intra-node performance monitoring packet generated by the at least one of the plural processing units with the associated queue includes a first component and a second component of the of the time spent by the packet of the media stream in the at least one of the plural processing units with the associated queue (column 7, lines 66 – 67; column 8, line 1), the first component being a delay experienced by the packet of the media stream attributable to processing performed by the at least one processing units with the associated queue (column 8, lines 4 – 9; lines 13 – 14), the second component being a delay experienced by the packet of the media

stream attributable to the associated queue (column 8, lines 15 – 16; column 16, claim 1, lines 38 - 51).

Regarding Claims 4, 14, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit acquires a time required for the packet of the media stream to travel between a first processing unit and a second processing unit (column 3, lines 17 – 21; column 8, lines 27 – 32).

Regarding Claims 5, 13, 15, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit estimates the time required for the packet of the media stream to travel between a first processing unit and a second processing unit with reference to an inter-unit delay monitor packet generated by the performance monitoring unit (column 3, lines 17 – 21; column 8, lines 21 – 32; column 18, claim 25, lines 55 – 56).

Regarding Claims 6, 7, 16, 17, Radha et al. disclose the limitation of a node of claimed, further comprising a switch which interconnects the processing units and the performance monitoring unit (Fig. 1, element 120), wherein the inter-unit delay monitor packet is a switch-monitor packet (column 7, lines 47 – 49), and wherein the performance monitoring unit determines a time required for the switch-monitoring packet to travel between the performance monitoring unit and a selected one of the plural processing units (column 7, lines 31 – 36).

Regarding claims 8, 18, Radha et al. disclose the limitation of a node of claimed wherein the performance monitoring unit estimates the time required for the packet of the media stream to travel between a first processing unit and a second processing unit by (1) determining a difference between an arrival time at the performance monitoring unit of an intra-node performance monitoring packet from the second processing unit and an arrival time at the performance monitoring unit of an intra-node performance monitoring packet from the first processing unit (column 8, lines 27 – 32), and (2) adding a time delay in the first processing unit to the difference (1) (column 8, lines 40 – 50).

Regarding Claims 9, 19, Radha et al. disclose the limitation of a node of claimed each of the plural processing units handles plural media streams (column 8, lines 2 – 9), and wherein the performance monitoring unit provides an indication of delay in the node for each of the plural media streams (column 7, lines 55 – 61).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL 07 Dec 2004


Aji Patel
Primary Examiner